

HEARING OFFICE

Date : 8/28/18			
In the Matter of: ALIMOHAMED ANJUM 1863 E. STEPHENS DR TEMPE, AZ 85283	Case Number: ZO-08-18-015 Parcel Number: CC-0037-18 Hearing Date: 10/11/2018		
Islamic Cultural Center *			
Attempt - Date:Time:L 2 nd Attempt - Date:Time:L 3 rd Attempt - Date:Time:L	ocation:		
Other: 154 Serucd to Mothe			
VEDIEICATION: Locatify that this convice n	rouided to the bearing office for the purpose		
of evidencing due diligence in attempting herein.	rovided to the hearing office for the purpose to obtain service upon the parties named		
Name of Person: Mike Boy 1	Title: Complimen		
Signature: LR/	Date: Q-4-18		



HEARING OFFICE

08/	28/2018
In the Matter of: ALIMOHAMED ANJUM, ISLAMIC CULTURAL CENTER 1863 E STEPHENS DR TEMPE, AZ 85283	Case Number: ZO-08-18-015 Complaint Number: CC-0037-18 Parcel Number: 510070200 Code Enforcement Officer: Paula Mullenix
	OF HEARING ant to Rule 5

A Complaint has been filed against you, with the Pinal County Civil Hearing Office, for a violation of a County Code. A copy of the Complaint is attached.

YOU MUST APPEAR for hearing on October 11, 2018, at 8:30:00 AM, in the Pinal County Complex, Building F, 31 N. Pinal Street, Florence, Arizona. (East of the historical courthouse.) You must sign-in at Building F and remain until your case is called.

FAILURE TO APPEAR AT THE DATE AND TIME SET FOR HEARING COULD RESULT IN A DEFAULT JUDGMENT AGAINST YOU.

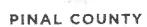
You must have your witnesses present on the date and time set for hearing.

If you are represented by counsel or other designated representative, you must notify the Pinal County Civil Hearing Office. (See Rule 9, Pinal County Civil Hearing Rules.)

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V.KhadiiA Ali MOHAMMAD					
	Date:	Time:			
K.A Khadja Alimolal	9-4-18	11:30			
VERIFICATION: I certify that a copy of this Notice of Hearing was personally served on the above-named individual at the time and date specified.					
This Notice must be served five (5) days prior to hearing per A.R.S. §11-808(E).					
Name of Person Serving Notice: (Print Name)	MP 1, rum				
Signature:	Date: 9-4	1-18			

If you bring the property into compliance prior to the date set for the hearing, please notify the Code Enforcement Officer assigned to your case. If the Code Enforcement Officer is able to verify that the violation (s) have been resolved, the Complaint may be dismissed and the hearing cancelled.

For additional information access the Pinal County Civil Hearing Office Rules of Procedure online at Hearing Office@pinalcountyaz.gov.



HEARING OFFICE

In the Matter of:
ALIMOHAMED ANJUM, ISLAMIC CULTURAL
CENTER
1863 E STEPHENS DR
TEMPE, AZ 85283

Case Number: ZO-08-18-015
Complaint Number: CC-0037-18
Parcel Number: 510070200
Code Enforcement Officer: Paula Mullenix

NOTICE OF HEARING
Pursuant to Rule 5

You have requested a date for a hearing. Please be advised your case has been set as follows:

YOU MUST APPEAR for hearing on October 11, 2018, at 8:30:00 AM, in the Pinal County Complex, Building F, 31 N. Pinal Street, Florence, Arizona. (East of the historical courthouse.) You must sign-in at Building F and remain until your case is called.

FAILURE TO APPEAR AT THE DATE AND TIME SET FOR HEARING COULD RESULT IN A DEFAULT JUDGMENT AGAINST YOU.

- You must have your witnesses present on the date and time set for hearing.
- If you are represented by counsel or other designated representative, you must notify the Pinal County Civil Hearing Office. (See Rule 9, Pinal County Civil Hearing Rules.)

Name of Person Requesting Hearing: Paula Mullenix	Date: 08/28/2018			
VERIFICATION: I certify that a copy of this Notice of Hearing was personally served on the above-named individual at the time and date specified.				
This Notice must be served five (5) days prior to hearing per A.R.S. §11-808(E).				
Name of Person Sending Notice: M. VELAZQUEZ	Title: HEARING OFFICE COORDINATOR			
Signature: Wichelle Velarauer	Date: AUG 2 8 2018			

If the Code Enforcement Officer is able to verify that the violation(s) have been resolved, the Complaint may be dismissed and the hearing cancelled.

For additional information access the Pinal County Civil Hearing Office Rules of Procedure online at Hearing Office@pinalcountyaz.gov.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE DIVISION

	8/23/18
In the Matter of: ISLAMIC CULTURAL CENTER PO BOX 1313 TEMPE, AZ 85280 ALIMOHAMED ANJUM	CASE# 20-08-18-015 Complaint Number:
1863 E STEPHENS DR TEMPE, AZ 85283	October 11, 2018 AUG 2 8 2018 MPLAINT PINAL COUNTY HEARING OFFICE

ADDRESS OR LEGAL DESCRIPTION OF PROPERTY:

21564 N. Rahma St. Maricopa, AZ 85139

The undersigned says the Respondent(s) did on or about 1/24/2018 c	commit violation(s) of Pinal
County Development Services Code [Ord.021010-DSC § 1] based or	n the following:

Count #1:	Violated section	2.200.010		To wit:		
The defen	dant used his/her p	property to initiat	te a cemetery	, without first	completing a	site plan
review of	proposed develop	ment.				

CODE COMPLIANCE OFFICER VERIFICATION: I hereby certify that on reasonable grounds I believe the Respondent committed the act described contrary to law.				
Code Compliance Manager: Paula Mullenix	Date: 8/21/2018			
Signature: Prula Mullening	Phone: 520-866-6478			

YOU MUST APPEAR BEFORE THE PINAL COUNTY CIVIL HEARING OFFICE TO ANSWER THIS COMPLAINT CHARGING YOU WITH THE OFFENSES LISTED.

HEARING DATE:	MONTH 10	DAY 11	YEAR 2018	TIME 0830	A.M. X	P.M.
	l .				- 1	

SERVICE: MAIL

PERSONAL SERVICE

COMMUNITY DEVELOPMENT CODE COMPLIANCE DIVISION



1/24/18

Anjum AliMohamad 1863 S. Stephens Dr. Tempe, AZ 85283

Planning Case: SUP-010-15 / PZ-C-08-89, Cemetery and expansion

Tax Parcel Number(s): 510-07-013A / 510-07-019 & 020 (formerly 510-07-013C & E), 21735 N San Rafael Rd., Maricopa, AZ 85139

Dear Sir and/or Madam:

This letter is to inform you that Pinal County Community Development has conducted a review of the Special Use Permit (SUP-010-15) and PZ case (PZ-C-08-89) granted on the above-referenced Assessor Parcel Number(s). Our records indicate the stipulations under the referenced Special Use Permit and PZ case have not been complied with.

Pursuant to Pinal County Development Services Code (PCDSC) Section 2.151.010.U, you were required to be in compliance of SUP 010-15 Stipulations 2, 6, 7,8, 9, 10, 11, 12, 13, & 14 within one year of SUP approval or the SUP expired. Your SUP-010-15 is now expired. In addition, per the PZ-C-08-89 resolution you were required to follow the subdivision plat regulations ("1981 Pinal County Subdivision Regulations") for development of the cemetery prior to operation of cemetery, and this was never submitted. We now require a Site Plan Review process to be completed for the PZ-C-08-89 case in lieu of the 1981 PC Subdivision Regulations.

We need you to start the site plan review process for PZ-C-08-89 before Feb. 26, 2018.

You need to contact our office at 520-866-6442 to schedule a Site Plan Review by February 26, 2018. Until the Site Plan Review process is completed you need to stop the uses granted by the SUP-010-15 & PZ-C-008-89 resolution. This process was required for the SUP-010-15 to be valid before the operation was initiated and a similar process was required for the PZ-C-008-89 resolution also.

If you have questions or need further information please contact a planner at (520) 866-6442.

Thank you for your consideration and cooperation in this matter.

Sincerely,

Paula Mullenix, MPA Code Compliance Manager 520-866-6478/Paula.mullenix@pinalcountyaz.gov

2.151.010 Special use permit (SUP).



U. Null and Void.

- 1. An SUP shall lapse and shall be null and void one year following the date on which the SUP became effective. unless:
 - a. Prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the property where the special use that is the subject of the SUP is located.
 - b. A final inspection has been completed by the building safety department for the structure in which the special use that is the subject of the SUP is located.
 - c. The property is occupied for the special use which is the subject of the SUP if no building permit or certificate of occupancy is required.
- 2.166 .050 (K.) Conditional Zoning. The supervisors may approve a change of zone conditioned on a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the supervisors after notification by registered mail to the owner and applicant who requested the rezoning shall schedule a public hearing to grant an extension, determine compliance with the schedule for development or cause the property to revert to its former zoning classification.

2.160.130 Criminal penalties.

Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this title or violates or fails to comply with any order or regulation made hereunder is guilty of a Class 2 misdemeanor pursuant to ARS 11-808. Each and every day during which the illegal activity, use or violation continues is a separate offense. [Ord. 61862 § 2713].

2.160.140 Civil penalties.

Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this title shall be subject to a civil penalty. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The civil penalty for violations of this title shall be established by separate resolution of the board of supervisors, but shall not exceed \$700.00 for an individual, or \$10,000 for an enterprise. "Enterprise" shall be defined pursuant to ARS 13-105. [Ord. 011812-ZO-PZ-C-007-10 § 14; Ord. 61862 § 2714].

- j. Race track.
- k. Signs.
- I. Sport arena.
- m. Stable.
- n. Zoo, public or private.
- o. Such other uses as the planning commission may deem appropriate in the public interest.
- 2. Special uses for zoning districts RU-10, RU-5, RU-3.3, RU-2, RU-1.25, R-43, R-35, R-20, R-12, R-9, R-7, MD, MR, AC-1, AC-2, AC-3, O-1, O-2, C-1, C-2, C-3, I-1, I-2, I-3, MH-8, MHP-435, PM/RVP-435 will be found under the specific zoning district. If a special use is not listed in a specific zoning district, it is prohibited.

B. SUP General Provisions.

- 1. A special use permit is granted at the discretion of the supervisors, and nothing in this title shall be construed to require the granting of a special use permit.
- 2. A special use is not a matter of right and refusal to grant a special use permit is not the denial of a right.
- 3. An **SUP** granted prior to February 18, 2012, shall be permitted to continue; provided, that it is operated and maintained in accordance with the conditions prescribed at the time it was granted, if any.
- 4. An **SUP** granted under the provisions of this section runs with the land covered by the **SUP** and shall be binding on the property owner and where applicable also the lessee of the property covered by the **SUP**.
- 5. An SUP authorizes a use to be developed in a particular way as specified by the permit and its conditions.
- 6. An **SUP** imposes on the applicant the responsibility of ensuring that the authorized special use continues to comply with the conditions of the permit as long as the permit remains valid.
- 7. An **SUP** shall be valid for the duration of the special use, provided the use remains in conformance with the conditions of approval and is not discontinued for 12 consecutive months.
- 8. Issuance of an **SUP** does not relieve the applicant from the responsibility of obtaining site plan approval, a building permit or any other permit or approval required by any other applicable law.
- 9. The **SUP** process cannot be used to eliminate or modify an entire PAD overlay zoning district and/or the uses within the PAD overlay zoning district.
- C. Conformity with Comprehensive Plan. An **SUP** shall be consistent with and conform to the comprehensive plan. In the case of uncertainty in constructing or applying the conformity of any part of a proposed **SUP** to the county's comprehensive plan, the proposed **SUP** shall be construed in a manner that will further the implementation of and not be contrary to the goals, policies and applicable elements of the comprehensive plan. Among the zone classifications listed in PCDSC <u>2.15.040</u> which have special uses listed in the individual zoning districts, those special uses with the conditions attached by the supervisors will be considered in conformity with the comprehensive plan as long as the subject zoning district is in conformity with the comprehensive plan.
- D. Initiation of SUP. Application for an SUP may be made by:
 - 1. The property owner or the property owner's authorized agent.
 - 2. The lessee of the property or the lessee's authorized agent.

When recorded return to: Clerk of the Board Office P.O. Box 827 Florence, Arizona 85132 PER 2. 151. 010(B)(7) (u)(1)

OFFICIAL RECORDS OF PINAL COUNTY RECORDER VIRGINIA ROSS

DATE/TIME:

03/07/2016 1346

FEE:

\$0.00 3

PAGES: FEE NUMBER:

2016-013481

CASE NO. SUP-010-15 SPECIAL USE PERMIT RESOLUTION



WHEREAS, THE PINAL COUNTY PLANNING AND ZONING COMMISSION HAS RECOMMENDED TO THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, THAT A SPECIAL USE PERMIT (BE) GRANTED FOR THE PURPOSE DESCRIBED BELOW; ON THAT PROPERTY DESCRIBED BELOW; AND,

WHEREAS, AFTER A PUBLIC HEARING AS PROVIDED BY LAW, THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, IS OF THE OPINION THAT THE ADOPTION OF SUCH RECOMMENDATION FOR A SPECIAL USE PERMIT FOR THE PURPOSE DESCRIBED BELOW WOULD BE IN THE BEST INTEREST AND WELFARE OF PINAL COUNTY.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, THAT THE SPECIAL USE PERMIT IS GRANTED WITH THE STIPULATIONS ATTACHED AS EXHIBIT "A".

PROPERTY DESCRIPTION: The North Half of the Northwest Quarter of G.L.O. Lot 19 in Section 18, Township 4 South, Range 2 East, G&SRB&M

TAX PARCEL #: 510-07-013A

PURPOSE: To construct and operate an un- subdivided human cemetery on a 5 acre parcel in the General Rural (GR) zone.

DATED THIS 2nd DAY OF MARCH, 2016.

CO TO TO THE PARTY AND THE PAR

PINAL COUNTY BOARD OF SUPERVISORS

Chair of the Board

Clerk of the Board

AFFEST:

EXHIBIT "A" Stipulations (SUP-010-15)

- 1) The layout, design and set up and operation of the cemetery vehicle park shall be as shown and set forth on the applicant's submittal documents and site plan dated December 2015;
- 2) applicant/owner/developer/operator shall receive site plan approval prior to operation in accordance with Chapter 2.200 of the Pinal County Development Services Code;
- any change or expansion of use shall require the approval of the Board of Supervisors under the procedures pursuant to Section 2.150.020 of the Development Services Code:
- 4) all construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;
- 5) the applicant shall keep the property free of trash, litter and debris;
- the applicant shall provide dust abatement on the parking areas and vehicle access areas, satisfactory to the Pinal County Air Quality Control District;
- 7) A 10 foot vegetative landscape buffer shall be maintained along the southern western and northern properly lines. The buffer shall be planted in a manner to sufficiently screen activities within the site from view from adjoining properties.
- 8) A 20 foot decomposed granite setback shall be provided along the western property line to allow placement of a County Trail corridor. At such time the trial corridor is needed as determined by the Open Space and Trails Director, an easement will be required to be dedicated to the County for such trail purposes.
- 9) A Traffic Impact Analysis will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The TIA shall comply with the current Pinal County Traffic Impact Assessment Guidelines and Procedures and shall be approved prior to the Site Plan approval;
- 10) Proof of public access for Rahma St. shall be provided to Pinal County prior to Site Plan approval;
- 11) Documentation of ADOT approval shall be provided to Pinal County prior to the Site Plan approval;
- A drainage report will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to the Site Plan approval;
- 13) The drainage plan shall be in accordance with the current Pinal County Drainage Manual. The approved Drainage Plan shall provide retention for storm waters in an onlot retention area;

14) violation of these conditions at any time may invoke revocation proceedings by the Pinal County Planning & Development Services Department.

510-07-019420 FORMOLY 510-07-013 4-E

1668-920

DATE: 11APR90 FEE: TIME \$.00 PAGES: \$.00 0.02 DOCKET: 1668 INSTRUMENT # 974432

CASE NO. PZC-008-89

RESOLUTION WEREAS, THE PINAL COUNTY PLANNING & ZONING COMMISSION HAS RECOMENDE THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, THAT CERTAIN PROPERTY, HERINAFTER DESCRIBED, (NOT BE) (BE) RECLASSIFIED FROM GR WHEREAS, AFTER A PUBLIC HEARING AS PROVIDED BY LAW, SAID BOARD OF SU OF PINAL COUNTY, ARIZONA, IS OF THE OPINION THAT THE APPROVAL OF SUCH RECOMMENDATION AND THE RECLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPE WOULD BED WOULD NOT BED TO THE BEST INTE

WELFARE OF SAID COUNTY OF PINAL.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF SUPERVISORS OF COUNTY, ARIZONA, THE FOLLOWING DESCRIBED LANDS, TO-WIT:

PZC-008-89: Gene Shaffer, Broker/President, Thunder Ridge Realty, 1302 W. Camelback Rd., Phoenix, Arizona 85013, applicant: Representa for Georginna B. Moore, 8606 N. 8th St., Phoenix, AZ 85020 and Bahja

Request change of zoning classification from GR (General Rural) to

Location: Approximately 3/4 mile east of the Pinal/Maricopa county line and 600' north of Mobile Road (Hwy. 238).

Legal: N 1/3 of E of lot Wineteen (19), and N of Lot 19 excepting

(NOT BE) (BE) CHANGED FROM GR DATED THIS SR FOR ZONING PUF DAY OF PINAL COUNTY BOARD OF SUPERVISORS TE57:

STIPULATIONS PZC-008-89

- 1) that the required subdivision plat regulations be followed for the actual development of the cemetery;
- 2) that a landscape buffer be installed around the site within the first six (6) months of development;
- 3) that the applicant apply for and obtain any necessary permits from the Arizona Department of Transportation for access to State Route 238 (Mobile Road);
- 4) that all applicable zoning and building permits be obtained prior to construction;
- 5) that all federal, state and local ordinances and regulations be adhered to;
- 6) indicate on the face of the plat that this is a private cemetery and all access roads in our opinion should be private roads;
- 7) the access road from State Route 238 (Mobile Road) to the cemetery, is a private roadway and needs a road name approved by the Addressing section of the Planning Department; and
- 8) total of 30' along the eastern boundry of the property to be dedicated to the County for future road purposes.

PINAL COUNTY

HEARING OFFICE

Case Number: ZO-08-18-015 In the Matter of: ALIMOHAMED ANJUM, ISLAMIC CULTURAL Complaint Number: CC-0037-18 Parcel Number: 510070200 CENTER 1863 E STEPHENS DR Civil Penalty Amount \$ TEMPE, AZ 85283 **ADMISSION FORM** Disposition Prior to Hearing - Pursuant to Rule 6 Check Box for Admit or Deny: I ADMIT THE ALLEGATIONS OF THE COMPLAINT I have enclosed the penalty amount listed above. I agree to correct the cited violation(s) prior to the date set for hearing. * YOU HAVE DISPOSED OF YOUR CASE AND DO NOT NEED TO APPEAR FOR HEARING. This form must be received by the Hearing Office seven(7) days prior to hearing. * If the violation(s) are not corrected prior to the date set for hearing, your case will be reset for hearing and the Hearing Office will notify you of the date and time of hearing. Copy of complaint attached. I DENY THE ALLEGATIONS OF THE COMPLAINT AND/OR HAVE NOT CORRECTED THE VIOLATION(S). The Hearing Office will not make copies and will not return submitted exhibits. Should you wish to submit exhibits (licenses/receipts/pictures/letters/notes) you must have three copies for yourself, hearing office and Zoning or Building Safety at the time of your hearing. YOUR CASE WILL PROCEED TO HEARING ON THE DATE LISTED ON THE COMPLAINT. You must have your witnesses present on the date and time set for hearing. If you are represented by counsel or other designated representative, you must comply with Rule 9 of the Pinal County Civil Hearing Office rules. If you were personally served a copy of the Complaint, your failure to appear on the date and time set for hearing may result in a JUDGMENT AGAINST YOU. If you were not personally served a copy of the Complaint you will be personally served with a Notice of Hearing. YOU CAN AVOID PERSONAL SERVICE OF A NOTICE OF HEARING UPON YOU BY COMPLETING THIS FORM AND RETURNING IT TO THE HEARING OFFICE BY October 4, 2018. RESPONDENT VERIFICATION: I acknowledge the above is my admission or denial of the cited violation. I agree to waive personal service of the Notice of Hearing in the manner provide by in Rule 5 of the Pinal County Civil Hearing Office Rules and A.R.S §§ 11-808 and 11-606. I understand and agree that all future notices and correspondence may be served upon me by first-class mail at the address that I have provided below. I understand that a Decision may be entered against me if I fail to appear for hearing. Date: Respondent: (Print Name) (City/Zip Code) Mailing Address: (Street)

Signature:

Phone: